

1 Rule 3-412. Procurement of goods and services.

2 Intent:

3 To identify the respective responsibilities of the judiciary and the Department of
4 Administrative Services in the procurement of goods and services.

5 Applicability:

6 This rule shall apply to the judiciary's expenditure of funds appropriated by the legislature.

7 Statement of the Rule:

8 (1) Definitions. All terms are defined as provided by the Utah Procurement Code, Utah Code
9 ~~Ann.~~ Section 63-56-1 et seq., as amended, the Regulations of the Utah State Procurement Policy
10 Board, as amended and the Division of Purchasing's Policies and Procedures. Any discrepancy
11 between the statutory definition and the definition contained in the regulations shall be controlled
12 by the statutory definition.

13 (2) Purchasing authority. Under the provisions of Utah Code ~~Ann.~~ Section 63-56-13 and
14 Utah Code ~~Ann.~~ Section 78-3-24, the court administrator is the purchasing authority for the
15 judiciary in the expenditure of appropriated funds for the procurement of supplies, services, and
16 construction.

17 (3) Procurement officers. The state court administrator may designate a procurement officer
18 for the judiciary. Court executives are the procurement officers for their courts. The state court
19 administrator or a procurement officer may enter into contracts or make written determinations
20 with respect thereto as provided in this rule.

21 (4) Contracts to conform to statute and regulations.

22 (4)(A) All contracts for the procurement of supplies, services, or construction entered into, by
23 or on behalf of the judiciary, shall conform to the Utah Procurement Code, as amended, the
24 Regulations of the Utah State Procurement Policy Board, as amended and the Division of
25 Purchasing's Policies and Procedures. Any discrepancy between the procedures provided for by
26 statute and the procedures provided for by regulation shall be controlled by the statutory
27 procedures.

28 (4)(B) Subject to the availability of funds, the state court administrator may establish within
29 the administrative office a procurement section that shall have the responsibility and authority as
30 provided by the Utah Procurement Code and the Regulations of the Utah State Procurement
31 Policy Board. Unless a procurement section is established, the judiciary shall work with and

32 through the Department of Administrative Services, Division of Purchasing in the procurement
33 of supplies, services, or construction.

34 (5) Authority to contract.

35 (5)(A) Contracts for the procurement of supplies, services, or construction for an amount
36 greater than ~~one thousand dollars~~ \$5000 shall be approved by the state court administrator or his
37 designated procurement officer. General counsel shall approve such contracts as to form and
38 legal sufficiency, and the manager of finance shall approve such contracts as to availability of
39 funds. Other provisions for contract management contained in this Code shall be followed if they
40 apply to the particular contract.

41 (5)(B) Requests to enter into contracts greater than ~~one thousand dollars~~ \$5000 shall be
42 directed to the appropriate state level administrator or the director of support services. The state
43 level administrator or the director of support services shall coordinate all procedures required by
44 the Utah Procurement Code, as amended, the Regulations of the Utah State Procurement Policy
45 Board, as amended and the Division of Purchasing's Policies and Procedures. Before final award
46 of the contract, the contract shall be approved pursuant to paragraph (5)(A).

47 (5)(C) Court executives are authorized to approve and enter into contracts for the
48 procurement of supplies, services, or construction on behalf of their courts when the amount of
49 the contract is not greater than ~~one thousand dollars~~ \$5000. Court executives may enter into such
50 contracts subject to the availability of funds and in accordance with paragraph (4) of this rule.

51 (5)(D) Procurement requirements shall not be artificially divided so as to avoid the
52 provisions of this rule.

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